

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

FIBER SYSTEMS INTERNATIONAL §
 §
 §
v. § CIVIL ACTION NO. 2:06-CV-473
 §
 §
APPLIED OPTICAL SYSTEMS, INC. §

MEMORANDUM ORDER

The above-titled and numbered civil action was heretofore referred to United States Magistrate Judge Chad Everingham pursuant to 28 U.S.C. § 636. The report of the Magistrate Judge, which contains his proposed findings of fact and recommendation for the disposition of the plaintiff's motion (No. 84) for partial summary judgment, has been presented for consideration. The plaintiff has filed an objection to the report and recommendation. The undersigned has reviewed Judge Everingham's report and recommendation and the plaintiff's objection. The undersigned overrules the plaintiff's objection and adopts the findings and conclusions contained in Judge Everingham's report and recommendation. Accordingly, the court denies the plaintiff's motion (No. 84) for partial summary judgment.

SIGNED this 29th day of September, 2008.



T. JOHN WARD
UNITED STATES DISTRICT JUDGE

